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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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IN RE:

Case No: BK-N-20-50069-BTB
(Chapter 7)

JASON A. LARSEN, and,
CAMI C. LARSEN,

Debtor(s).

Hearing Date: 1/20/21
Hearing Time: 2:00 p.m.

**MOTION TO ENLARGE TIME AND TO CONTINUE HEARING ON
THE SECOND OBJECTION TO CLAIM OF EXEMPTIONS**

Debtors above-named, through undersigned counsel, move the court to enlarge the time to respond to the Objection to Claim of Exemption filed by the bankruptcy trustee and to continue the hearing set for January 20, 2021.

FACTS

The court is aware that this matter was recently on appeal to the BAP regarding the Trustee's Objection to Claim of Exemption and the BAP reversed and remanded for further proceedings (Dkt 50). The debtors filed amended schedules (Dkt 55) on December 22, 2020 and the Trustee filed a Second Objection to Claim of Exemptions late on the afternoon of December 23, 2020. (Dkt 56). Counsel for debtors had already begun a vacation on December 23 until January 4, 2021. The debtors were informed of the Trustee's objection via email on December 31 and a telephone conference was had with the debtors (now living in Washington) on January 4, 2021. During the course of the telephone conference it was learned that the

1 debtors' home has some structural issues that would factor into its value. They were instructed
2 to immediately seek a contractor to verify the condition and to estimate the costs of repair. They
3 are undertaking this process, but there was and is no way such can be accomplished in time for
4 the current hearing date, let alone in time for the Response to the Trustee's Objection, which by
5 Local Rule 9014(d)(1) should have been January 6, 2021, only two days after counsel's return
6 from holiday vacation. Your undersigned sent an email to the trustee on January 5 requesting
7 additional time to respond and continuance of the hearing. No reply was received and thus this
8 motion.

9 ARGUMENT

10 Debtors were to file a responsive motion by January 6, 2021, precisely 14 days after the
11 Objection was filed and 14 days prior to the hearing set. LR 9014(d). However, the majority of
12 the allotted time ran during the Christmas and New Years Holidays. Further, the debtors
13 informed counsel of some structural issues with their home, which is the subject of the trustee's
14 objection, and this will require a statement from a licensed contractor. While the debtors are
15 working on getting the contractor and a written statement, it is not possible to achieve such on
16 a couple of days notice.

17 This matter is not extremely old given that the previous objection was heard last April and
18 has been to the BAP and back already in this time. An extension of time of two or three weeks
19 will not be a harm to the trustee's motion. Furthermore, it is imperative that the court be
20 informed of the correct facts given that the issue now will focus on the value of the debtors'
21 home.

22 Wherefore, the debtors request an enlargement of time and a continuance of the hearing of
23 two or three weeks in order to provide the court with accurate information.

24 Dated 1/14/21

25
26 By: /s/ David K. Neidert
27 David K. Neidert
28

CERTIFICATE OF SERVICE

I, the undersigned attorney for the debtor, do hereby certify that the foregoing Opposition will be served through electronic filing in the court ECF system upon the bankruptcy trustee and the Office of the U.S. Trustee, and to any party that is registered to receive notices through the ECF system employed by the court clerk.

Dated 1/14/21

By: /s/ David K. Neidert
David K. Neidert